



MEMO ENDORSED

JAMES E. JOHNSON
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THE CITY OF NEW YORK
LAW DEPARTMENT
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May 20, 2021

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Jason Winters v. City of New York, C.O. Moore, # 17409,
21-CV-02440 (KPF)

Your Honor:

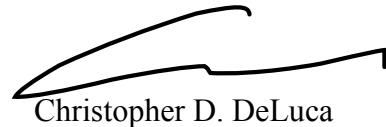
I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney representing defendant the City of New York in the above-referenced matter.¹ In that capacity, I write to respectfully request an adjournment of the initial conference currently scheduled for June 22, 2021, at 11:00 a.m., to July 27, 2021, at 11:00 a.m., or to a date and time convenient for the Court. This is the first request for an adjournment of the initial conference. Due to plaintiff being incarcerated, his consent was unable to be obtained in an expeditious manner.

By way of background, plaintiff *pro se* filed a complaint alleging, *inter alia*, that on April 17, 2020, while plaintiff was a pretrial detainee, a Corrections Officer failed to protect him from another pretrial detainee who assaulted plaintiff. Docket Entry No. 2. Defendants City and C.O. Moore each separately filed a waiver of service on May 20, 2021. Docket Entry Nos. 9 and 10. Accordingly, defendants City and C.O. Moore must answer or otherwise respond to the complaint by July 19, 2021. *Id.* Accordingly, defendant City respectfully requests that the Court adjourn the initial conference currently scheduled for June 22, 2021, at 11:00 a.m., to July 27, 2021, at 11:00 a.m., or to a date and time convenient for the Court. The reason for this request is that economy and efficiency would be promoted if an initial conference took place after defendants file their answer or response to the complaint.

¹ This case has been assigned to Assistant Corporation Counsel Jeffrey F. Frank, who is admitted to the Connecticut State Bar and is in the process of applying for admission to the New York State Bar and the Bar of this Court. Mr. Frank is handling this matter under my supervision and may be reached directly at (929) 930-0780 or jefrank@law.nyc.gov.

Thank you for your consideration of this matter.

Respectfully submitted,



Christopher D. DeLuca

Senior Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**
Jason Winters
Pro Se Plaintiff
NYSID: 01922389N
B&C No. 3101900023
Otis Bantum Correctional Facility
16-00 Hazen Street
East Elmhurst, New York 11370

Application GRANTED. The initial pretrial conference currently scheduled for June 22, 2021, is hereby ADJOURNED to August 3, 2021, at 11:00 a.m. At the appointed time, the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 11:00 a.m. The parties' joint pre-conference letter and proposed case management plan (see Dkt. #8), shall be due on or by July 29, 2021. The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

Dated: May 20, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE